

Docket No.: 3782-0183P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Linus WIEBE et al.

Application No.: 09/746,506

Confirmation No.: 9785

Filed: December 22, 2000

Art Unit: 2677

For: GENERAL INFORMATION MANAGEMENT
SYSTEM

Examiner: L. Shapiro

REQUEST FOR REVIEW BY SUPERVISORY EXAMINER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 5, 2007

Sir:

In accordance with the provisions of MPEP §707.02, Applicant respectfully request that **the Supervisory Examiner personally check on the pendency of the present application**. This application has now received six (6) Official Actions in addition to an initial restriction requirement.

Prosecution History

On November 26, 2003, the Examiner issued an Office Action rejecting the originally filed claims 1-21, 31-40, 50 and 52 under 35 U.S.C. §112, first paragraph, rejecting claims 1-21 under 35 U.S.C. §112, second paragraph, and rejecting claims 1, 5-12, 15-21, 31-32, 37-40, 50 and 52 under 35 U.S.C. §103(a) as being unpatentable over Hecht (USP 6,594,406). The Examiner additionally rejected some of the dependent claims using a variety of secondary references. Applicants filed a

Reply on March 26, 2004, including substantive arguments and claim amendments and requested a personal interview with the Examiner.

On May 18, 2004, Applicants conducted an Interview with the Examiner and his Primary Examiner, Vijay Shankar, wherein the parties agreed that the outstanding 112 rejections and the prior art rejections were without merit and would be withdrawn.

On August 23, 2004, the Examiner issued a second Official Action asserting a new ground of rejection and rejected claims 1, 4-12, 14-21, 31-32, 37-40, 50 and 53-57 under 35 U.S.C. §103(a) as being unpatentable over Hecht (USP 6,594,406) in view of Flores et al. (USP 6,310,988). The Examiner additionally rejected some of the dependent claims using a variety of secondary references. Applicants conducted a telephonic interview with the Examiner on November 18, 2004 to discuss the newly cited reference, Flores et al. Applicants expressed confusion with the “new” ground of rejection as the teachings of Flores et al. were very similar to those already argued in the Hecht reference. Based on this second interview, the Examiner agreed to withdraw the outstanding rejections and update his search.

On January 26, 2005, the Examiner asserted his third Official Action, rejecting claims 1, 4-12, 14-21, 31-32, 37-40, 50 and 53-57 under 35 U.S.C. §103(a) as being unpatentable over Hecht (USP 6,594,406) in view of Silver et al. (USP 5,784,485). The Examiner additionally rejected some of the dependent claims using a variety of secondary references. On May 26, 2005, Applicants filed a Reply presenting arguments that the cited references failed to render the pending claims unpatentable and further requesting a personal interview with the Examiner.

On May 31, 2005, the parties conducted a second Interview with the Examiner and Primary Shankar to discuss the outstanding rejections. The Examiner and Primary Shankar indicated that they needed additional time to consider Applicants arguments.

On or about March 3, 2006, the Examiner contacted the Applicants in response to a previously filed Request for Interview. Applicants reminded the Examiner that the Interview was already conducted. The Examiner indicated that he did not remember the Interview. Applicants requested a telephonic interview to remind the Examiner the details of the invention and the substance of the Applicants' arguments. The telephonic third interview was granted and the Examiner agreed to withdraw the outstanding rejections.

On March 14, 2006, the Examiner asserted his fourth Official Action rejecting claims 1, 7-12, 15-21, 31-32, 37-40, 50, 53 and 55-57 under 35 U.S.C. §102(e) as being anticipated by *Hecht* (USP 6,594,406). This rejection of the claims based on *Hecht* presents substantially the same issues that were set forth in the first Official Action back in 2003, wherein the Examiner asserted the teachings of *Hecht* rendered the claims unpatentable under 35 U.S.C. §103(a). In May, 2004, as noted above, an Interview was conducted between Examiner Shapiro, Primary Examiner Shankar and Applicants' representative. During the Interview, the parties agreed that *Hecht* failed to teach or suggest all of the claim elements, and further, failed to render the claims obvious. Two years and three, non-final Official Actions later, the Examiner reverted back to his assertion that *Hecht* renders the pending claims unpatentable without any additional substantive support for his assertions.

On June 13, 2006, Applicants filed a Reply including arguments against the outstanding rejection.

On August 15, 2006, the Examiner maintained his rejection of the claims in a final fifth Official Action

On December 15, 2006, Applicants filed a Request for Continued Examination together with a Reply including amendments to the claims and arguments.

Applicants are now arguing against the sixth Official Action mailed March 6, 2007, wherein the Examiner, having discussed the details of the claimed invention on at least three separate

occasions, asserts 112 first and second paragraph rejections (which are without merit) without considering the claims under 35 U.S.C. §§102 or 103.

Applicants contacted the Examiner for another Interview to, again, explain the invention and discuss the outstanding rejections in an attempt to further prosecution. The Examiner indicated to Applicants that he considered this application unimportant and only because he believed it was unimportant, Applicants should abandon this application.

SPECIFIC REQUEST

Applicants respectfully requests that the Supervisory Examiner review the Examiner's 35 U.S.C. §112, first and second paragraph, rejections, in particular, because Applicants have identified ample support to satisfy the requirements under 35 U.S.C. §112.

As set forth in MPEP 706.07, "[t]o bring the prosecution to a speedy conclusion as possible and at the same time to deal justly by both the Applicant and the public, the invention as disclosed and claimed should be thoroughly searched in the first action and the references fully applied... It is to the interest of the Applicants as a class as well as to that of the public that prosecution of a case be confined to as few actions as is consistent with a thorough consideration of its merits."

MPEP §707.02 states that "the Supervisory Primary Examiners are expected to personally check on the pendency of every application which is up for the third or subsequent official action with a view to finally concluding its prosecution."

Accordingly, Applicant respectfully request that the Supervisory Examiner acknowledge that the pendency of the present application has been personally checked in the next Office Action.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin (Reg. 52,327) at telephone number (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

Dated: June 5, 2007

Respectfully submitted,

By

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